



SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA-2018-0064]

Privacy Act of 1974; System of Records

AGENCY: Office of the General Counsel, Social Security Administration (SSA).

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act, we are issuing public notice of our intent to establish a new system of records entitled, *Requests for Waiver of Employee Salary Overpayments* (60-0271). This notice publishes details of the system as set forth below under the caption, SUPPLEMENTARY INFORMATION.

DATES: The system of records notice (SORN) is applicable upon its publication in today's Federal Register, with the exception of the routine uses which are effective

[INSERT DATE 30 DAYS AFTER PUBLICATION IN THE *FEDERAL*

***REGISTER*]**. We invite public comment on the routine uses or other aspects of this SORN. In accordance with 5 U.S.C. 552a(e)(4) and (e)(11), the public is given a 30-day period in which to submit comments. Therefore, please submit any comments by

[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL*
***REGISTER*]**.

ADDRESSES: The public, Office of Management and Budget (OMB), and Congress may comment on this publication by writing to the Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, SSA, Room G-401 West High Rise, 6401 Security Boulevard, Baltimore, Maryland 21235-6401, or through the Federal e-

Rulemaking Portal at <http://www.regulations.gov>, please reference docket number SSA-2018-0064. All comments we receive will be available for public inspection at the above address and we will post them to <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Corey Smith, Government Information Specialist, Privacy Implementation Division, Office of Privacy and Disclosure, Office of the General Counsel, SSA, G-401 West High Rise, 6401 Security Boulevard, Baltimore, Maryland 21235-6401, telephone: (410) 966-1768, email: Corey.D.Smith@ssa.gov.

SUPPLEMENTARY INFORMATION: We are establishing a new system of records to record agency decisions for requests for waivers of employee overpayments and requests for employee hearings contesting the validity of the debt. Title 31 Section 3711 of the United States Code provides that the head of an executive agency shall try to collect a claim of the United States Government for money or property arising out of the activities of, or referred to, the agency after providing proper notice and explanation of the right to dispute the agency's information regarding the claim or for administrative review of the claim. Title 5 Section 5584 of the United States Code provides that a claim of the United States against a person arising out of an erroneous payment of pay or allowances made on or after July 1, 1960, or arising out of an erroneous payment of travel, transportation or relocation expenses and allowances, to an employee of the agency, the collection of which would be against equity and good conscience and not in the best interests of the United States, may be waived in whole or in part by the authorized official, the head of the agency and the Director of the Administrative Office of the United States Courts. The authority to waive employee salary overpayments has

been delegated to the heads of Federal agencies, thus we are establishing this system of records.

In accordance with 5 U.S.C. 552a(r), we have provided a report to OMB and Congress on this new system of records.

Dated: November 5, 2018.

Mary Zimmerman,

Acting Executive Director,

Office of Privacy and Disclosure,

Office of the General Counsel.

SYSTEM NAME AND NUMBER: Requests for Waiver of Employee Salary

Overpayments, 60-0271

SECURITY CLASSIFICATION: Unclassified.

SYSTEM LOCATION:

Social Security Administration

Office of the General Counsel

Office of General Law

West High Rise Building

6401 Security Boulevard

Baltimore, MD 21235

SYSTEM MANAGER(S):

Associate General Counsel

Social Security Administration

Office of the General Counsel

Office of General Law

West High Rise Building

6401 Security Boulevard

Baltimore, MD 21235

ogc.ogl.correspondence@ssa.gov

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Title 5 Sections 5514 and 5584 and Title 31 Section 3711 of the United States Code and 20 CFR Part 422.

PURPOSE(S) OF THE SYSTEM: We will use the information we collect to make administrative decisions on employee salary overpayment waiver, requests and appeals.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Individuals who are current or former SSA employees who file administrative requests and appeals with SSA, for waiver of their salary and travel reimbursement overpayments.

CATEGORIES OF RECORDS IN THE SYSTEM: This system maintains information that we collect for the administrative request and appeals process. This may include contact information; information pertaining to the requestor/employee debtor and appeals, initial request or appeal, personnel records, reports of investigation, recommendations and waiver decision letters.

RECORD SOURCE CATEGORIES: We obtain information in this system from employees and former employees, personnel, program and component offices, and other Federal agencies as necessary, including our payroll provider.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING

CATEGORIES OF USERS AND PURPOSES OF SUCH USES: We will disclose

records pursuant to the following routine uses, however, we will not disclose any information defined as “return or return information” under 26 U.S.C. 6103 of the Internal Revenue Service Code, unless authorized by statute, the Internal Revenue Service (IRS), or IRS regulations.

1. To a congressional office in response to an inquiry from that office made on behalf of, and at the request of, the subject of the record or a third party acting on the subject’s behalf.
2. To the Office of the President in response to an inquiry from that office made on behalf of, and at the request of, the subject of the record or a third party acting on the subject’s behalf.
3. To Federal, State and local government agencies, private individuals, private attorneys, or other representatives or individuals working on behalf of the employee or former employee in seeking waiver of the overpayment, and other persons or entities with relevant information for the purpose of investigating, settling, or adjudicating claims.
4. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for SSA, as authorized by law, and they need access to personally identifiable information (PII) in SSA records in order to perform their assigned agency duties.
5. To the National Archives and Records Administration (NARA) under 44 U.S.C. 2904 and 2906.

6. To appropriate agencies, entities, and persons when:
- (a) SSA suspects or has confirmed that there has been a breach of the system of records;
 - (b) SSA has determined that as a result of the suspected or confirmed breach, there is a risk of harm to individuals, SSA (including its information systems, programs, and operations), the Federal Government, or national security; and
 - (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with SSA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

7. To the Department of Justice (DOJ), a court or other tribunal, or another party before such court or tribunal, when:

- (a) SSA, or any component thereof; or
- (b) any SSA employee in his/her official capacity; or
- (c) any SSA employee in his/her individual capacity where DOJ (or SSA when it is authorized to do so) has agreed to represent the employee; or
- (d) the United States, or any agency thereof, when SSA determines the litigation is likely to affect the operations of SSA or any of its components,

is a party to the litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, a court or other tribunal, or another party before the court or tribunal is relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to DOJ, court or other tribunal, or another party is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

8. To contractors and other Federal agencies, as necessary, for the purpose of assisting SSA in the efficient administration of its programs. We will disclose information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.
9. To Federal, State, and local law enforcement agencies and private security contractors, as appropriate, information necessary:
 - (a) to enable them to protect the safety of SSA employees and customers, the security of the SSA workplace, and the operation of SSA facilities, or
 - (b) to assist in investigations or prosecutions with respect to activities that affect such safety and security or activities that disrupt the operation of SSA facilities.
10. To third parties when an individual involved with the claim needs assistance to communicate because a hearing impairment or a language barrier exists (e.g., interpreters, telecommunications relays system operators, etc.).
11. To the Equal Employment Opportunity Commission when requested in connection with investigation into alleged or possible discriminatory practices in the Federal sector, examination of Federal affirmative employment programs, compliance by Federal agencies with the Uniform Guidelines on Employee Procedures, or other functions vested in the Commission.

12. To the Office of Personnel Management, Merit Systems Protection Board, or the Office of Special Counsel in connection with appeals, special studies of the civil service and other merit systems, review of rules and regulations, investigations of alleged or possible prohibited personnel practices, and other such functions promulgated in 5 U.S.C. Chapter 12, or as may be required by law.
13. To the Federal Labor Relations Authority, the Office of the Special Counsel, the Federal Mediation and Conciliation Service, the Federal Service Impasses Panel, or an arbitrator requesting information in connection with the investigations of allegations of unfair practices, matters before an arbitrator or the Federal Service Impasses Panel.
14. To another Federal agency or Federal entity, when SSA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in:
 - (a) responding to a suspected or confirmed breach; or
 - (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS: We maintain records in this system in paper and electronic form.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS: We retrieve records by the name of the employee, former employee, or individual requesting the waiver of overpayment.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF

RECORDS: We retain the records for a period of six years in accordance with the approved National Archives and Records Schedule N1-47-10-4. The Office of the General Counsel reserves the right to retain for an indefinite period certain records that, in the judgment of that office are of precedential value.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS: We retain electronic and paper files containing personal identifiers in secure storage areas accessible only by our authorized employees and contractors who have a need for the information when performing their official duties. Security measures include, but are not limited to, the use of codes and profiles, personal identification number and password, and personal identification verification cards. We restrict access to specific correspondence within the system based on assigned roles and authorized users. We use audit mechanisms to record sensitive transactions as an additional measure to protect information from unauthorized disclosure or modification. We keep paper records in locked cabinets within secure areas, with access limited to only those employees who have an official need for access in order to perform their duties.

We annually provide our employees and contractors with appropriate security awareness training that includes reminders about the need to protect PII and the criminal penalties that apply to unauthorized access to, or disclosure of, PII (5 U.S.C. 552a(i)(1)). Furthermore, employees and contractors with access to databases

maintaining PII must sign a sanctions document annually, acknowledging their accountability for inappropriately accessing or disclosing such information.

RECORD ACCESS PROCEDURES: Individuals may submit requests for information about whether this system contains a record about them by submitting a written request to the system manager at the above address, which includes their name, SSN, or other information that may be in this system of records that will identify them. Individuals requesting notification of, or access to, a record by mail must include: (1) a notarized statement to us to verify their identity; or (2) must certify in the request that they are the individual they claim to be and that they understand that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

Individuals requesting notification of or access to, records in person must provide their name, SSN, or other information that may be in this system of records that will identify them, as well as provide an identity document, preferably with a photograph, such as a driver's license. Individuals lacking identification documents sufficient to establish their identity must certify in writing that they are the individual they claim to be and that they understand that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

These procedures are in accordance with our regulations at 20 C.F.R. 401.40 and 401.45.

CONTESTING RECORD PROCEDURES: Same as record access procedures. Individuals should also reasonably identify the record, specify the information they are contesting, and state the corrective action sought and the reasons for

the correction with supporting justification showing how the record is incomplete, untimely, inaccurate, or irrelevant. These procedures are in accordance with our regulations at 20 C.F.R. 401.65(a).

NOTIFICATION PROCEDURES: Same as record access procedures. These procedures are in accordance with our regulations at 20 C.F.R. 401.40 and 401.45.

EXEMPTIONS PROMULGATED FOR THE SYSTEM: None.

HISTORY: None.

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